

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

—————
TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 2, 2010

House of Representatives

The House convened at 11:30 a.m., Mr. Moyle in the Chair.

Roll call showed 66 members present.

Absent and excused – Higgins, Lake, Ruchti, Schaefer.

Total – 4.

Total – 70.

Prayer was offered by Guest Chaplain Gary Moore.

The Pledge of Allegiance was led by Andrew Nilsen, Page.

Approval of Journal

February 2, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-second Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Shirley G. Ringo, State Representative, District 06, House Seat B, Latah County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Judith Brown of Moscow, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C. L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Judith Brown, Acting State Representative, District 06, House Seat B, Latah County, State of Idaho, for a term commencing on February 2, 2010, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 1st day of February, in the year of our Lord two thousand and ten and

of the Independence of the United States of America, the two hundred and thirty-fourth year.

/s/ C. L. "BUTCH" OTTER

Governor

/s/ BEN T. YSURSA

Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker Pro Tem announced the oath of office had previously been administered to Judith Brown.

February 1, 2010

Mr. Speaker:

I transmit herewith [S 1253](#) which has passed the Senate.

WOOD, Secretary

[S 1253](#) was filed for first reading.

Report of Standing Committees

February 1, 2010

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 390](#) and recommend that it do pass.

LOERTSCHER, Chairman

[H 390](#) was filed for second reading.

February 1, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 423](#) and [H 443](#) and recommend that they do pass.

CLARK, Chairman

[H 423](#) and [H 443](#) were filed for second reading.

February 2, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 444](#) and report it back with amendments attached to be placed on General Orders for consideration.

CLARK, Chairman

[H 444](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 36

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

RECOGNIZING AND COMMENDING THE BOISE STATE UNIVERSITY FOOTBALL TEAM, THE 2010 FIESTA BOWL CHAMPION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Boise State University, located in Boise, Idaho, is an emerging metropolitan research university of distinction, achieving its vision through academic excellence,

public engagement, a vibrant culture and exceptional research; and

WHEREAS, Boise State University reflects the character of Idaho's capital city – a center of business, government, technology, health care and the arts; and

WHEREAS, Boise State University is the largest university in Idaho with 18,936 students – an all-time state fall enrollment record; and

WHEREAS, the Boise State University football team has won the Western Athletic Conference championship for seven of the past eight years; and

WHEREAS, the Boise State University Broncos completed their most recent football season with a record of 14-0, being one of two undefeated NCAA Division I FBS teams in the country and a win in the Bowl Championship Series Fiesta Bowl over then undefeated and fourth ranked Texas Christian University; and

WHEREAS, the Boise State University Broncos finished ranked fourth in both the Coaches/BCS poll and the Associated Press poll; and

WHEREAS, Coach Petersen has such an amazing winning percentage as a head coach that a rival Western Athletic Conference coach said when you look at his head coaching record, it has to be a typographical error; and

WHEREAS, Coach Petersen is the only coach in the country to win the Paul "Bear" Bryant College Coach of the Year award twice.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend Boise State University for a fine football season and commend Coach Chris Petersen and the players and staff for a job well done. We commend the Broncos on their exciting style of play, gritty determination, dedication to the task at hand and their competitive spirit which led to not only the biggest victory in school history but also to the highest ranking a Boise State football team has ever attained. We congratulate Coach Chris Petersen, for being one of two teams with a fourteen win, zero loss record in NCAA Division I for the 2009 college football season, his coaching staff, players and the President of the university, Dr. Robert Kustra.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to President Robert Kustra and to Coach Chris Petersen of Boise State University.

HOUSE JOINT MEMORIAL NO. 9

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on April 2, 2009, federal legislation was introduced as Senate Bill 787 in the United States Senate by Senator Russell Feingold. The legislation is known as the Clean Water Restoration Act, and is proposed to clarify which waters are subject to the jurisdiction of the United States under the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq.; and

WHEREAS, the federal legislation purports to seek to clarify jurisdiction by striking the term "navigable waters" and

replacing it with "waters of the United States" defined as "all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing..."; and

WHEREAS, striking the term "navigable waters" would expand the federal government's reach beyond that which was intended by the Clean Water Act and thereby blur jurisdictional authority to manage and regulate water resources within state and local government jurisdictions; and

WHEREAS, given the ambiguity of the legislation's jurisdictional reach, the implementation of the proposal would lead to increased litigation and uncertainty among public and private stakeholders, including homeowners, farmers, water districts and state and federal agencies, among others.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature adamantly opposes the proposed Clean Water Restoration Act, introduced as Senate Bill 787 in the United States Senate, and urges congress not to enact this or any similar legislation.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HCR 36 and **HJM 9** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 457

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO FUEL TAX DISTRIBUTION; AMENDING SECTION 7, CHAPTER 333, LAWS OF 2009, TO DELAY CHANGES TO THE APPORTIONMENT OF THE HIGHWAY DISTRIBUTION ACCOUNT AND DISTRIBUTION OF REVENUES FROM THE TAX ON GASOLINE.

HOUSE BILL NO. 458

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1354A, IDAHO CODE, TO PROVIDE PROVISIONS WHEN A RETIRED MEMBER RECEIVING A DISABILITY RETIREMENT ALLOWANCE MAY RETURN TO WORK, TO PROVIDE PROCEDURES AND TO DEFINE THE TERM "RETURN TO WORK."

HOUSE BILL NO. 459

BY BUSINESS COMMITTEE

AN ACT

RELATING TO BARBERS; AMENDING SECTION 54-506, IDAHO CODE, TO REVISE QUALIFICATIONS FOR LICENSURE AS A BARBER INSTRUCTOR AND

TO PROVIDE FOR A LICENSE TO PRACTICE AS A BARBER-STYLIST INSTRUCTOR; AMENDING SECTION 54-507, IDAHO CODE, TO PROVIDE THAT ONE INSTRUCTOR MUST BE EMPLOYED TO EACH TWENTY STUDENTS; AND AMENDING SECTION 54-521, IDAHO CODE, TO REVISE BOARD MEMBER AND ASSISTANT COMPENSATION.

HOUSE BILL NO. 460
BY BUSINESS COMMITTEE
AN ACT

RELATING TO ARCHITECTS; AMENDING SECTION 54-309, IDAHO CODE, TO REVISE A LICENSURE EXEMPTION.

HOUSE BILL NO. 461
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE BUREAU OF OCCUPATIONAL LICENSES; AMENDING SECTION 67-2608, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BUREAU CHIEF'S AUTHORITY TO COOPERATE WITH OTHER AGENCIES AND TO PROVIDE CORRECT TERMINOLOGY.

HOUSE BILL NO. 462
BY BUSINESS COMMITTEE
AN ACT

RELATING TO UNAUTHORIZED INSURERS AND SURPLUS LINES; AMENDING SECTION 41-1220, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO SURPLUS LINE CONTRACTS.

HOUSE BILL NO. 463
BY RESOURCES AND CONSERVATION COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE THAT THE COMMISSION MAY PROMULGATE RULES TO ALLOW NONRESIDENT DEER OR ELK TAGS TO BE USED TO HUNT AND KILL BEAR, WOLF OR MOUNTAIN LION DURING OPEN SEASON FOR DEER OR ELK.

[H 457](#), [H 458](#), [H 459](#), [H 460](#), [H 461](#), [H 462](#), and [H 463](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1253](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Bedke asked unanimous consent that the bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 11:30 a.m., Wednesday, February 3, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:44 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk